



Washington
State
Department of
Health

Washington State Mental Health Counselors, Marriage and Family
Therapists, and
Social Workers
Advisory Committee
Meeting Minutes

September 15, 2006

Department of Health
Creekside Three at Center Point
Second Floor, Room 2
20435 72nd Ave South
Kent, WA 98032

Committee Members

Susan Bogni, Public Member, Chair; Lisa Erickson, LMHC, Vice-Chair; Carl Greenberg, MFT, Judy Roberts, LMHC, Philip Brown, LICSW, LMFT, Ph.D., Alison Hadley, LICSW,

Staff Present

Bob Nicoloff, Executive Director
Betty Moe, Program Manager
Elizabeth Baker, AAG

Guest Attendees

Bonnie King, Director of HPQA
Margaret Gilbert, Senior Staff Attorney

AGENDA TOPICS

OPEN SESSION

1. CALL TO ORDER –SUSAN BOGNI, PUBLIC MEMBER, CHAIR

- 1.1 The meeting was called to order by Susan Bogni, Public Member, Chair, at 9:10 am. The agenda was amended to include item 1b, a discussion of the HSQA division organization review presented by Bonnie King, Director of HPQA.
- 1.2 Lisa Erickson moved that the meeting minutes from January 6, 2006 be approved.

1b. HEALTH SYSTEMS QUALITY ASSURANCE DIVISION ORGANIZATIONAL REVIEW- Bonnie King, Director-Health Professions Quality Assurance

Bonnie King, Director of HPQA, gave a presentation about the upcoming restructure of the division. Ms. King reported on some of the strategic plan

priorities for the division which included establishing common business practices and developing and conducting single complaint process.

A SWOT (**S**trengths **W**eaknesses **O**pportunities **T**hreats) Analysis was done to help best design the realignment. She also talked about some of the objectives of the realignment which included increasing public's confidence in our ability to protect public health. Each section that currently makes up HSQA will be placed into one the new units during the reorganization. The new units will include Health Professions and Facilities, Customer Service, Inspections and Compliance, Legal Services, Community Health Systems, and the Office of the Assistant Secretary. Next, Bonnie explained how the units will work together to solve issues more efficiently. The goal is to have the realignment in place by the end of the biennium.

2. SEXUAL MISCONDUCT DRAFT RULES DISCUSSION – Margaret Gilbert, Senior Staff Attorney and Robert Nicoloff, Executive Director Health Professions Section Seven

The Department of Health Sexual Misconduct rule language for secretary professions was presented by Mr. Nicoloff and Ms. Gilbert. The rules have an effective date of September 30, 2006.

The committee was asked whether or not there is a need to further define rules regarding sexual misconduct for mental health professionals, particularly regarding the timeline of a counselor dating former patients.

Ms. Gilbert provided a brief history of the secretary profession sexual misconduct rules. She explained that through the years it has become evident that sexual misconduct is unprofessional, but the questions remains, what is sexual misconduct? These rules help provide a definition and describe sexual misconduct.

About a year ago the rule making process for the secretary professions sexual misconduct rules began. There was three meetings held to discuss possible language. Language was distributed through external listservs and special interested party mailings. Associations and the working environment were also notified.

A rules hearing was held in August 2006. The rules were adopted the next week and filed with the code reviser.

Carl Greenberg and Alison Hadley agreed that there should never be a relationship between a counselor and a former patient. Mr. Greenberg stated that it is an inadequate relationship, because it's not based on equal sharing. It's all about the patients concerns not the therapists. This creates a power

difference because only one individual knows personal details about the other. There is also a financial issue involved.

A member of the public stated that the ethical codes of many mental health professions says "never," and the rules should not be different then national standards.

Lisa Erickson moved that a subcommittee be formed to add language for sexual misconduct rules. This would be done by e-mail and sent to Betty Moe, Program Manger. The subcommittee will be ready to report at the next meeting. The motion was seconded by Carl Greenberg. The subcommittee members are: Lisa Erickson, Judy Roberts and Susan Bogni.

3. LICENSED COUNSELOR BROCHURE **Betty Moe, Program Manager**

This item was tabled until the next meeting.

4. PRESENTATION OF THE RECOMMENDATION MADE BY THE REGISTERED COUNSELOR TASK FORCE – Bob Nicoloff, Executive Director

Mr. Nicoloff presented the recommendations from the Registered Counselors Task force. Committee members discussed concerns regarding the recommendations.

Lisa Erickson had concerns with the use of the term "intern." Ms. Erickson explained that one is considered an intern while in college, once graduated one is no longer an intern. It is important that confusion among professionals and the public is not created by choice of words. It is important not to use terminology that has dual meanings to the mental health professions.

The committee discussed the requirements associated with recommendation number 3, Unaffiliated Counselor. Some of the concerns raised are listed below:

- Raises controversy, especially among educators.
- People with only four courses doing private practice. Not standard of care.
- Failing to protect the public and failing the committee.
- Don't want the term counselor used at all, it continues to cause confusion among the public.
- Supervision, not consultation is essential. Counselors are dealing with some very vulnerable clients, and consultation doesn't provide standard of care.
- Concern that only individuals who would risk their credential to supervise are those that should not be providing the consultation or supervision.

The discussion led to the following recommendations:

That the category in the recommendation of unaffiliated counselor cease to exist, and the term counselor not be used unless on a licensure path or without being a licensed mental health professional.

- This includes counseling as defined in recommendation #2.

The committee recommends that the scope of practice be changed to the following:

“Therapeutic counseling as provided by a licensed counselor means employing any therapeutic technique...” and that term licensed counselor be added into the definition.

- It was expressed that even agency affiliates, while under strict regulation are still inadequate in the scope of practice, as listed in the recommendation.

The committee recommends that the following statement be a requirement of the disclosure statement for the registered counselors.

“Is not qualified to diagnose or treat mental health issue” This statement MUST be on the disclosure statement.

5. PROGRAM REPORTS-Program Staff

5.1 Program Manager Report

- The supervision rules for licensed counselors have been completed, the rules have an effective date of September 30, 2006. Concerns were expressed regarding RCW 18.225.09 and the minimum time an approved supervisor must be licensed to provide supervision.

WAC 246-809-134 Approved supervisor; WAC 246-809-234 Approved supervisor; and WAC 246-809-334 Approved supervisors all demonstrate specific requirements for who may act as an approved supervisor. To supervise an individual intending to become a LASW or LMHC a supervisor must have been credentialed in good standing for two years. While, to supervise a LMFT or LICSW, one must have been credentialed for five years, and in good standing for the past two years.

Concerns regarding the definition of “equally qualified” were discussed. The committee determined that to meet the equally qualified definition to supervise either a LMFT or LICSW a supervisor would have to be credentialed for a period of five years.

The committee agreed that the issue needed clarification. The only way to alleviate the issue in RCW was thought a legislative change. Elizabeth Baker, AAG stated that she would look into the issue for follow up at the next meeting.

- Proposed Meeting dates and locations for 2007, the dates listed below are tentative dates and are subject to change
 - February 9, 2007-Kent, WA
 - May 18, 2007-Kent, WA
 - September 21, 2007-Kent, WA
 - November 16, 2007-Kent, WA
- Interim Operating report was presented for committee members review. Mr. Greenberg questioned if the reduction in fees for Social Workers has reached the target for reduction. Mr. Nicoloff responded by stating that generally a full biennium reserve is desirable, but also depends on trends in disciplinary.

Mr. Greenberg questioned the current balance of \$144, 905 in the licensed mental health counselor account, he questioned if there was any proposed thought regarding the low funds. Mr. Nicoloff indicated that at the beginning of the year we would be able to come back with a study of where we are financially and that our budget person would need to explain the projections.

- Review of proposed CACREP standards. Marriage and Family therapist of the committee will review and provide feedback to Ms. Moe prior to December 15, 2006.
- Alison Hadley was interested in attending the ASSWB meeting. Ms. Moe indicated that she would have Sherry Wolverton contact her to set up the arrangements.
- Ms. Moe shared information from a David Ryczko of the Social Work Registry, Association of Social Work Boards. The information provided was a sample of a packet that would be sent to a licensure board by ASWB's Social Worker Registry on behalf of the licensure applicants at the applicant's request. The documentation submitted to ASWB is from primary sources and is verified for accuracy, unless otherwise noted. The registered was asking for approval to accept the record summary and certified documents as a primary source.
 - Lisa Erickson indicated that it may be interesting to look into in and a national trend regarding this type of service.
 - The committee would like more information regarding the organization prior to agreeing to accept he information.

5.2 Executive Director Report-

Robert Nicoloff indicated that the Registered Counselor Task force recommendations were the only new information he had to share.

5.3 Licensing Report- This item was tabled until the next meeting.

5.4 Disciplinary Report- This item was tabled until the next meeting.

5.5 Committee Appointments- This item was tabled until the next meeting.

5.6 Correspondence- This item was tabled until the next meeting.

6. APPROVING APPLICANTS TO FOR LICENSURE– Betty Moe, Program Manager

This item was tabled until the next meeting.

7. FUTURE AGENDA ITEMS-Susan Bogni, Public Member Chair

- Clarification of Supervision rules
- Subcommittee discussion regarding Sexual Misconduct Rules
- Information pertaining to the credibility of the Social Work Registry relating to certified application documents.
- Budget Issue and projections
- Licensure Brochure
- Application Review

8. Adjournment – The Committee meeting adjourned at 12:10 pm

Submitted by:

Betty Moe, Program Manager

Washington State Mental Health Counselors, Marriage and Family Therapists
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Approved by:

Susan Bogni, Public Member, Chair

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